

Message Text

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ORIGIN DLOS-09

INFO OCT-01 ISO-00 H-02 /012 R

DRAFTED BY D/LOS:RCBLUMBERG:AFR
APPROVED BY S/AR:AMBASSADOR RICHARDSON
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R 162031Z AUG 78
FM SECSTATE WASHDC
TO HONORABLE CLAIBORNE PELL CHAIRMAN
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE 325 RUSSELL SENATE OFFICE BLDG
WASHINGTON DC 20510

UNCLAS STATE 207872

E.O. 11652: N.A.

TAGS: PLOS

SUBJECT: LAW OF THE SEA

1. DEAR MR. CHAIRMAN: I DEEPLY REGRET THAT AS A RESULT OF A LONG STANDING COMMITMENT TO HOLD BILATERAL DISCUSSIONS WITH THE UNITED KINGDOM DELEGATION TO THE LAW OF THE SEA CONFERENCE, I AM NOT ABLE TO APPEAR BEFORE YOUR COMMITTEE TODAY TO TESTIFY IN SUPPORT OF S. 2053 AND ITS ENACTMENT INTO LAW AT THIS SESSION OF THE CONGRESS. I HAVE ASKED ALAN BERLIND, DIRECTOR OF THE OFFICE OF THE LAW OF THE SEA NEGOTIATIONS, TO PRESENT MY TESTIMONY TO YOU TODAY, BUT I WANT TO BE SURE THAT I CONVEY TO YOU DIRECTLY MY BELIEF THAT CONGRESSIONAL ACTION IS URGENT.

AS YOU KNOW SO WELL, DISCUSSIONS AND NEGOTIATIONS ON THE LAW OF THE SEA HAVE BEEN IN PROGRESS FOR MORE THAN TEN YEARS. IT IS STILL FAR FROM CERTAIN THAT THEY CAN BE TERMINATED SUCCESSFULLY IN THE NEXT YEAR OR SO. IN
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ADDITION, CONSIDERABLY MORE TIME WILL PASS AFTER THE SIGNING OF THE TREATY BEFORE IT ENTERS INTO FORCE, AND EVEN MORE TIME WILL PASS WHILE THE INTERNATIONAL SEABED AUTHORITY PROMULGATES ITS RULES AND REGULATIONS AND

FINALLY APPROVES CONTRACTS.

IN THE MEANTIME, THERE IS A VERY REAL RISK THAT AMERICAN OCEAN MINING COMPANIES WILL NOT BE ABLE TO SUSTAIN THEIR COMMERCIAL DEVELOPMENT PLANS UNDER THESE HIGHLY UNCERTAIN CIRCUMSTANCES.

WHILE MANY REASONS HAVE BEEN ADVANCED FOR THE SLOW PACE OF THE LAW OF THE SEA CONFERENCE, IT IS CLEAR THAT MANY COUNTRIES REGARD DEEPSEA MINING AS BEING A LONG WAY OFF AND BELIEVE THAT BY PATIENT NEGOTIATION THEY WILL EVENTUALLY EXTRACT GREATER AND GREATER CONCESSIONS FROM THE INDUSTRIALIZED COUNTRIES. IN MY JUDGMENT, THE IMMINENT PROSPECT OF DEEPSEA MINING WILL HELP TO STRENGTHEN THE SPIRIT OF REALITY AND COMPROMISE WHICH HAS RECENTLY CHARACTERIZED THE LAW OF THE SEA NEGOTIATIONS.

IT IS TO BE EXPECTED THAT THERE WILL BE SOME ADVERSE REACTIONS AT THE LAW OF THE SEA CONFERENCE TO THE ENACTMENT OF THE PENDING LEGISLATION. HOWEVER, I AM CONVINCED NOT ONLY THAT IT IS IN OUR NATIONAL INTEREST FOR S. 2053 TO BE ENACTED INTO LAW AT THIS SESSION OF THE CONGRESS BUT THAT THIS WILL ALSO ADVANCE THE INTEREST OF THE WORLD COMMUNITY IN THE EARLIEST PRACTICABLE FULFILLMENT OF THE COMMON HERITAGE. I THEREFORE HOPE THAT THE COMMITTEE ON FOREIGN RELATIONS WILL FAVORABLY REPORT THE BILL IN THE NEXT FEW DAYS.

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THE ADMINISTRATION HAS CERTAIN RESERVATIONS CONCERNING THIS BILL WHICH ARE MENTIONED IN MY TESTIMONY, AND I HOPE THE AMENDMENTS WE PROPOSE CAN BE INCLUDED IN THE FOREIGN RELATIONS COMMITTEE REPORT.

AGAIN, I REGRET NOT BEING ABLE TO BE WITH YOU TODAY. IN NO SENSE SHOULD THIS ABSENCE BE TAKEN AS REFLECTING ANY LACK OF INTEREST OR COMMITMENT ON MY PART OR ON THE PART OF THE ADMINISTRATION TO THE PASSAGE OF THIS BILL.

WITH WARM REGARDS, ELLIOT L. RICHARDSON. CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, US CONGRESSIONAL PRESENTATIONS, UPPER HOUSE
Control Number: n/a
Copy: SINGLE
Draft Date: 16 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE207872
Document Source: CORE
Document Unique ID: 00
Drafter: RCBLUMBERG:AFR
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780335-1193
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780857/aaaabvsl.tel
Line Count: 106
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 6aeb8662-c288-dd11-92da-001cc4696bcc
Office: ORIGIN DLOS
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1719121
Secure: OPEN
Status: NATIVE
Subject: LAW OF THE SEA
TAGS: PLOS, PGOV, LOS, (RICHARDSON, ELLIOT L)
To: PELL CLAIBORNE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/6aeb8662-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014